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TAGS: [PREL](#) [PHUM](#) [COE](#) [FR](#)

SUBJECT: COUNCIL OF EUROPE REVIEWS RELATIONSHIP WITH OBSERVER STATES

CLASSIFIED BY: Vincent Carver, CG, Strasbourg, State.

REASON: 1.4 (b), (d)

¶1. (C) Summary: The Council of Europe reviewed its relationship with observer states September 10 in the COE's Foreign Relations Committee. Most member states characterized the relationship as positive. Portugal asked what COE initiatives had been taken to obtain at least moratoria on the death penalty in observer states (U.S. and Japan) still using capital punishment. Based on the session, we, with the support of the Secretariat, have again postponed action on various COE Parliamentary Assembly (PACE) members' calls to introduce new criteria (death penalty moratoria) for continued observer status. The committee chair (Malta) also circulated a 2008 COE legal opinion confirming that observer states have the right to speak in COE fora. End summary

¶2. (SBU) Given the push by a minority in the PACE to change the rules regarding current observer states (Holy See, U.S., Canada, Japan, Mexico) to include at least a moratorium if not outright abolition of the death penalty (applicable to the U.S. and Japan) for continued observer status, the COE's Foreign Relations Committee met September 10 to discuss the COE's relationship with observer states. The Secretariat provided a strong and positive statement about the value of including observer states in the COE. Each observer state then made an intervention, with all stressing the positive relationship we have with the COE. U.S. stressed that we shared the COE's commitment to human rights, democracy, and the rule of law. We thanked Human Rights Commissioner Hammarberg for his calls on member states to accept detainees from the Guantanamo facility. We also thanked various member states for agreeing to accept detainees, thereby helping us close Guantanamo. After listing U.S. participation in various COE conventions and fora and our financial contribution to the COE's Group of States Against Corruption (GRECO), we acknowledged a divergence of views regarding the death penalty. We concluded that we value both our relationship with the COE and the COE's work itself.

¶3. (C) The consistently anti-American Portuguese Ambassador noted that, "while we don't want to change the rules of participation," the COE should take initiatives to obtain at least a moratorium on the use of the death penalty in any observer state. He asked the Secretariat to provide a list of such initiatives already taken. Most other interventions, while urging the abolition of the death penalty in observer states, were more helpful, and stressed the "value added" of the observer states' presence in Strasbourg. Russia said it supported strengthening the COE's relationships with observer states, adding that it would welcome additional observer states. Several delegations echoed this sentiments.

¶4. (C) In a planned exchange, the Danish Ambassador asked for a confirmation that observer states were welcome to take part in COE discussions. He wryly observed that this must be the case, given the microphones at the observer states' seats. The chair noted that this was the case and circulated a September 2008 legal opinion confirming this interpretation. (Note: the legal interpretation was a response to Russian objections to our

intervention regarding the Russia-Georgia war.)

15. (C) Comment: The Secretariat Director for Foreign Relations, Zoltan Taubner (Hungary) and the Maltese Chair have consistently been helpful in maneuvering around a small but vocal PACE minority that wants to impose a death penalty moratorium requirement on current observer states (such a requirement is expected of any future observer state). Most member states would welcome such a moratorium from the U.S.; they recognize, however, how our federal system functions and realize that changing observer state requirements ex post facto would be counterproductive. Still, we expect that various parliamentarians in the PACE will continue to grandstand and criticize us strongly on this issue.

CARVER